

THE HONORABLE FRANKLIN D. BURGESS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

In the Matter of the Complaint of Kerry W. Shea
and Jennifer R. Shea, Individually and as a
Marital Community, as owners of the M/V
SATISFACTION, Hull Identification No.
26B05413, for Exoneration from or Limitation of
Liability

IN ADMIRALTY

Civil Action No.: CV05-5633 FDB

**ORDER GRANTING PLAINTIFFS'
MOTION FOR RECONSIDERATION AND
ORDER ON MOTION FOR ENTRY OF
MONITION**

THIS MATTER having come before the Court upon Plaintiffs' Motion for Reconsideration, the Court having Plaintiffs' Motion for Reconsideration, Plaintiffs' Complaint filed September 26, 2005, and the Declaration of Stanley Smith filed September 26, 2005, the Court rules as follows:

Plaintiff's Motion for Reconsideration is GRANTED.

The Complaint having stated the facts and circumstances upon which said exoneration and limitation are claimed; the Plaintiffs having otherwise satisfied the Court's Order dated October 11, 2005 by depositing with the Court the sum of \$560.00 representing compliance with the security requirements of Rule F(1); the Plaintiffs having otherwise satisfied Rule F(1) of the Supplemental Rules for Certain Admiralty & Maritime Claims; and it appearing that claims have been made or are about to

1 be made against the Plaintiffs and against the vessel for loss, damage, injury or destruction alleged to
2 have been incurred in consequence of the August 31, 2005 fire at Harborview Marina in Gig Harbor,
3 Washington;

4 IT IS HEREBY ORDERED that a monition issue out of and under the seal of this Court in the
5 form attached hereto, against all persons with claims against the Plaintiffs for damages for any and all
6 loss, destruction, damage or injury caused by or resulting from the said incident at Harborview
7 Marina, Gig Harbor, Washington on August 31, 2005, referred to in the Complaint, citing each of them
8 to appear before the Court and make due proof of their respective claims on or before the 28th day of
9 November, 2005; and it is further

10 ORDERED that public notice of said monition be given by publication thereof in the (1)
11 Tacoma News Tribune, a newspaper published in Tacoma, Washington, and (2) Peninsula Gateway, a
12 newspaper published in Gig Harbor, Washington once a week for four successive weeks, and that the
13 first publication of said monition be at least thirty days before November 28, 2005, and that a copy of
14 said monition be served on the respective attorneys for all persons who at the time of making this
15 order shall have filed or begun suits for damage, loss or destruction arising out of or related to the
16 matters aforesaid, together with a copy of this Order, such service to be made at least thirty days
17 before November 28, 2005; and it is further

18 ORDERED that a copy of said monition under this order be mailed by counsel for the
19 Plaintiffs on or before the date of the second publication to every person (or their attorney) known to
20 have made any claim against the vessel or the Plaintiffs arising out of the aforesaid incident.

21 DATED: October 21, 2005.

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25 FRANKLIN D. BURGESS
26 UNITED STATES DISTRICT JUDGE

1 Presented by:

2 NICOLL BLACK MISENTI & FEIG PLLC

3
4 /s/ Larry E. Altenbrun.

5 Joseph C. Misenti, WSBA #30961

6 Larry E. Altenbrun, WSBA #31475

7 Counsel for Plaintiffs

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10 COUNSEL FOR PLAINTIFFS

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